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In re Application of
REMERICQ, Maurice
PCT No.: PCT/FR99/01047
U.S. Application No.: 09/463,294
International Filing Date: 03 May 1999
Priority Date: 22 May 1998
Attorney's Docket No.: T2154-906320
For: METHOD FOR ALTERNATING THE
STACKING DIRECTION OF FLAT AND
FLEXIBLE OBJECTS ...

DECISION ON RENEWED
PETITION

In a decision mailed by this Office on 08 November 2001, applicant's "Request For Reconsideration Of Notification Of Abandonment" filed 03 August 2001 was dismissed. The decision concluded as follows:

Applicant must provide an English translation of the international application and either: (1) evidence that this translation was filed by applicant, as claimed, on 24 January 2000; or (2) a grantable petition to revive the international application. Until such a submission is made, this application remains **ABANDONED** with respect to the United States.

On 28 December 2001, applicant filed the "Renewed Request For Reconsideration Of Notification Of Abandonment" considered herein. The Renewed Request was accompanied by a copy of the English translation of the international application, as required. However, applicant did not supply evidence that the translation was originally filed on 24 January 2000 or a grantable petition to revive, as also required by the previous decision.

Applicant argues that the fact that the box for an English translation was checked on the Transmittal Letter filed 24 January 2000 "is prima facie evidence that the translation was filed." In fact, the check on the Transmittal Letter is evidence only of applicant's intent to submit the translation. As to what would constitute prima facie evidence of the actual filing of the translation, section 503 of the MPEP states:

A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO.

The previous decision noted this, suggesting that applicant submit a "stamped return postcard itemizing the English translation" as evidence of the 24 January 2000 filing of the translation. Applicant has failed to include such return postcard with the Renewed Request.

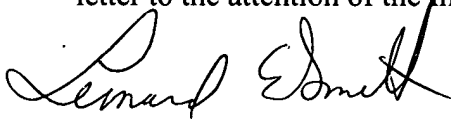
Applicant goes on to argue that it "is not inconceivable that the translation became detached from the [filed application papers] or otherwise misplaced in the USPTO." It also is not inconceivable that applicant checked the box for an English translation on the Transmittal Letter, then inadvertently failed to include this translation with the other filed documents.

Applicant has failed to provide adequate evidence of the 24 January 2000 filing of the English translation attached to the present Renewed Request, nor has applicant submitted a grantable petition to revive the application under 37 CFR 1.137. Accordingly, applicant has failed to satisfy the requirements set forth in the decision mailed by this Office on 08 November 2001.

Based on the above, the Renewed Request is **DISMISSED** without prejudice.

This application remains **ABANDONED** with respect to the United States. In order to revive this application, applicant must submit either: (1) evidence that a copy of the English translation submitted with the Renewed Request was originally filed by applicant on 24 January 2000; or (2) a grantable petition to revive the international application under 37 CFR 1.137.

Please direct further correspondence with respect to this matter to the Assistant Commissioner for Patents, Box PCT, Washington, D.C. 20231, and address the contents of the letter to the attention of the International Division, Legal Staff.



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